

REMARKS

Claims 1 to 19 are now pending in the application.

Claim 19 is currently amended. Claims 20 and 21 are cancelled. No new subject matter is introduced by the present amendment.

Claim rejections – 35 USC §101 and §112

The Applicant believes that the amendments to claim 19 overcome the §101 and §112 rejections.

Claim rejections – 35 USC §103

Regarding claim rejections based on 35 U.S.C. §103 the Applicant submits that none of Englman (US 2003 01 57978) and Bennett (US 6,056,642) teaches all the limitations of the claims, alone or in combination. Thus, the allowance of the discussed claims is respectfully requested, based on the following arguments:

First, the Applicant submits that the combination of these two references is purely based on hindsight and nowhere in any of the references there is any motivation to combine them. Also, since they do not have the same purpose a person having ordinary skill in the art would not combine them to “reach” any of the embodiments of the present invention. Finally, if combined, the prior art inventions would lose their purpose and their principles of operation would be changed.

Englman teaches a game wherein, upon occurrence of a trigger, a symbol is visually modified to inform the player that a feature is now active (see paragraph 40, lines 1 to 5). Nowhere in the document are the words “meter”, “counter” or any other term used to describe such a device or means used to gather, accumulate, tally or in any other form, shape or manner, count

occurrences of any event in the game linked to the plant symbol. The Applicant sincerely believes that the intent and purpose of Engلمان's invention was to provide a feature that can be triggered ("turned on") and that the plant symbol is the mean used to indicate to the player whether the feature is "on" or "off". The Applicant compares this to a light switch wherein the visible position of the switch may be an indication to the user whether the light is on or off even if no light is visible (burned bulb or electricity shortage being good reasons for the light not being visible). Nobody would interpret the light switch as a meter counting up to one, the light switch being in the "on" position when the meter "is full".

Bennett teaches a game wherein upon occurrence of a predetermined event (forming a line of three grey "7" symbols), the color each of these "7" symbols is randomly changed to either one of red, blue or white. If all three "7" symbols are randomly changed to red, the player is awarded a jackpot. A person skilled in the art understands from what is taught in this document that the intent of the inventor was to display to the player the result of a second level of random determination, allowing bigger jackpots by rendering the outcome awarding this jackpot even less frequent. Accordingly, and as is explained in the Bennett document (column 3, lines 56 to 65), if each color has the same chances of occurring, the probability of obtaining three red "7" symbols is one over twenty-seven or 3.7% ($1/3 \times 1/3 \times 1/3 = 1/27$) and that is if the player has obtained a line of three "7" symbols, which is rather rare in the first place. Nowhere in this document is there any mention of a meter to gather occurrences of any event in or "around" the game, even less that these gathered occurrences may have any effect on the chances of a color being displayed rather than another. In fact, these colors don't "evolve" one from the other.

The Applicant submits that neither Englman nor Bennett teaches a meter used to gather occurrences of symbols or events. And thus the combination of these prior art documents still fails to teach all limitations of claims 1, 18 and 19 of the present invention.

In case the Examiner is not convinced by the precedent arguments, the Applicant reminds the Examiner that being able to combine two references is not enough: the combination or modifications to the references should not render the prior art unsatisfactory for its intended purpose and the principle of operation of a reference should not be changed. By combining Englman with Bennett, Englman's purpose would be radically changed, since adding another status to the feature (since only one feature is triggered in this reference) or a totally new feature altogether would be necessary. This not only changes the purpose of Englman's invention but it also changes its principle of operation since the addition of a new feature (or even a new status, maybe a new multiplier level) would change radically the mathematical structure behind the game: the game payout schedule would need to be totally redone and rethought. The other way around would be even worse: since Bennett does not intent any hierarchy or evolution from one color to another while the combination would necessitate this inclusion which would not respect in any way the actual intents and purpose of this invention.

Accordingly, the Applicant believes that a person of ordinary skill in the art would not have combined these references at the time of the invention since their purpose and principles of operation were too different. Thus, it is the Applicant's opinion that the rejections of claims 1, 18 and 19 are improper and should be withdrawn.

The Applicant submits that all other claims rejected or otherwise allowable herein not discussed, are dependent upon claims judged allowable by the Applicant and thus should also be found allowable.

It is submitted, therefore, that claims 1 to 21 are in condition for allowance.

Reconsideration of the Examiner's rejections is respectfully requested. Allowance of claims 1 to 21 at an early date is solicited.

In the event that there are any questions concerning these remarks or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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